

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

September 11, 2012
239 Causeway Street
4th Floor, Rooms 417A and B
Boston, Massachusetts

**Board Members
Present**

James T. DeVita, RPh; Karen Ryle, RPh, MS; Sophia Pasedis, RPh,
PharmD; Anita Young, RPh, EdD; Stanley Walczyk, RPh;
Kathy Fabiszewski, NP, PhD; Joanne Trifone, RPh, George
Cayer, RPh; Steven Budish

Board Members Absent Donald Accetta, MD, MPH

Staff Present

James D. Coffey, RPh, Director; Margaret Cittadino, MEd, Associate
Director; Susan Manning, Board Counsel; Leo McKenna, RPh,
PharmD, Quality Assurance (QA) Coordinator; Samuel J. Penta, RPh,
Supervising Investigator; Cheryl Lathum RPh, PharmD, Investigator;
James Emery, Pharmacy Technician, Investigator; Ian Fitts,
Northeastern University School of Pharmacy Extern

1. 8:30 a.m. CALL TO ORDER
President James T. DeVita, RPh
- Introduction of NEU APPE Extern Ian Fitts

2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
- August 7, 2012

Motion Walczyk/Trifone to approve minutes
Approved

3. 8:40 a.m. APPLICATIONS and Other Notices
Assoc. Dir. Margaret Cittadino

Nuclear Pharmacist

Rebecca Lee Moore

New Community Pharmacy

Big Y Pharmacy 98, 90 Memorial Drive, Springfield
Price Chopper, 239, 560 Main Street, Gardner
Stop & Shop Pharmacy 0011, 40 Furlong Drive, Revere

Change of Manager

Azee Pharmacy, 25 Marston Street, Lawrence (DS89791)
Bouvier Pharmacy, 515 Lincoln Street, Marlborough (DS9725)
Critical Care Systems, 246 Boston Turnpike, Shrewsbury (DS3330)
Careplus CVS 2393, 35 Millbury Street, Auburn (DS3219)
CVS Caremark, 25 Birch Street, Milford (DS3416)
CVS 260, 155 Charles Street, Boston (DS2294)
CVS 1206, 240 Newbury Street, Boston (DS2033)
CVS 8972, 285 Columbus Avenue, Boston (DS89677)
CVS 1007, 1933 Main Street, Brockton (DS2629)
CVS400, 16 Boston Board, Chelmsford (DS2307)

CVS 7232, 689 Depot Street, Easton (DS3461)
CVS 859, 148 Route 137, East Harwich (DS2945)
CVS 2322, 176 North Street, Hyannis (DS2827)
CVS 0026, 590 Fellsway, Medford (DS2912)
CVS 615, 233 Broadway, Methuen (DS3493)
CVS 1867, 517 State Road, Plymouth (DS89648)
CVS 2377, 2253 State Road, Plymouth (DS3090)
CVS2138, 8 Pilgrim Road, Plymouth (DS2815)
CVS 1095, 1025, 272 Highland Avenue, Salem (DS89673)
CVS 1021, Patriot Square Shopping Center, South Dennis (DS1543)
Price Chopper 155, 300 Stockbridge Road, Great Barrington (DS2639)
Rite Aid 10112, 68 South Main Street, Haverhill (DS3240)
Rite Aid 10159, 330 River Street, Cambridge (DS3102)
Rite Aid 10156, 800 South Main Street, Sharon (DS3140)
Royal Palm Specialty, 111 Main Street, Webster (DS89765)
Stop & Shop Pharmacy 472, 40 Franklin Village Drive, Franklin (DS1622)
Stop & Shop Pharmacy 22, 55 Long Pond Drive, South Yarmouth (DS2115)
Stop & Shop Pharmacy 404, 1600 Boston Post Road, Springfield (DS3212)
Target Pharmacy T-1441, 180 Somerville Avenue, Somerville (DS3185)
Walgreens Pharmacy 10317, 1035 Truman Highway, Boston (DS89797)
Walgreens Pharmacy 3758, 610 Pleasant Street, Brockton (DS2759)
Walgreens Pharmacy 7813, 25 Oak Street Extension, Brockton (DS3408)
Walgreens Pharmacy 9011, 101 High Street, Danvers (DS3347)
Walgreens Pharmacy 12399, 226 Broadway, Taunton (DS89688)
Walgreens Pharmacy 4923, 1999 Centre Street, West Roxbury (DS2959)
Walmart Pharmacy 10-5380, 1775 Washington Street, Hanover (DS3353)
Walmart Pharmacy 10-2964, 11 Jungle Road, Leominster (DS3588)
Walmart Pharmacy 10-2158, 200 Otis Street, Northborough (DS2742)
Walmart Pharmacy 10-2012, 742 Main Street, North Oxford (DS2749)

Retail Pharmacy Relocation

CVS 5382, 181 Brighton Avenue, Allston (DS89803) FROM 177 Brighton Avenue, Allston
Cape Cod Infusion Services, 111B County Road North Falmouth, FROM 200 Main Street, Suite 205, Falmouth (DS89772)

Renovation/Expansion

CVS 5939, 242 Cambridge Street, Burlington (DS3576)
Wal-Mart Pharmacy 10-2155, 677 Timpany Boulevard, Gardner (DS2739)
Wal-Mart Pharmacy 10-2158, 200 Otis Street, Northborough (DS2742)
Wal-Mart Pharmacy 10-2329, 555 East Main Street, Orange (DS27451)
Wal-Mart Pharmacy 10-2174, 141 Springfield Drive, Westfield (DS2748)

Transfer of Ownership

Moms Pharmacy, 75 Armory Street, Boston (DS89790) TO new owner AIDS Healthcare Foundation

Wholesale Distributor Closing

Rowley Biochemical Inc, relinquishing WD397 and WD397CS licenses due to duplication of Massachusetts licensure. Facility has DEA manufacturer registration and MA Controlled Substance registration (DCP).

Retail Pharmacy Closing

Winchester Drug, 568 Main Street, Winchester (DS1107 transferring controlled substances and records to CVS 155, 539-545 Main Street, Winchester (DS2471)

Motion Walczyk/Cayer to approve applications

Recused Devita for all CVS and Trifone for all Walgreens

4. 8:45 a.m. **UPDATES**

Dir. James D. Coffey /Assoc. Dir. Margaret Cittadino

- MPJE State Specific Review – to be delayed until October due to recently enacted Chapter 244 of the Acts of 2012 (Senate Bill 2125) "An Act Relative to Prescription Drug Diversion, Abuse and Addiction"

- Report of Board Dispositions

5. 8:55 a.m. **REPORT OF OFFICE OF INVESTIGATIONS (no handout)**

File Review - Samuel J. Penta, RPh Supervising Investigator; James C. Emery, Investigator; Cheryl Latham, PharmD, RPh, Investigator; William E. Frisch, Jr, RPh, Investigator; Leo A. McKenna, PharmD, RPh, QA Coordinator

1	PHA -2012 – 0111 West Roxbury Pharmacy DS2845	Motion DeVita/Cayer to Dismiss with Advisory Letter with 2 hours Continuing Education (CEs) in medication error prevention with a follow-up inspection by the Board. Approved
	PHA-2012-0137 Dave Powers PH18426	Motion DeVita/Cayer to Dismiss with Advisory Letter with 2 hours Continuing Education (CEs) in medication error prevention. Approved
	PHA-2012-0138 Michael Wessenberg PH20863	Motion DeVita/Cayer to Dismiss with Advisory Letter with 2 hours Continuing Education (CEs) in medication error prevention. Approved
	PHA-2012-0141 Donna Tolland PT3673	Motion DeVita/Pasedis to Dismiss Without Prejudice for Lack of Sufficient Evidence for pharmacy technicians (4) Approved
	PHA-2012-0136 Jeana Jennell Cappra PT12974	
	PHA-2012-0139 Allison Courtney PT15231	
	PHA-2012-0140 Kendra Jo McAbee PT15229	

2	PHA -2012 – 0075 Chiampa Apothecary DS979	Motion Cayer/Pasedis to Dismiss with Advisory letter to include recommendations related to basked system and to submit report to ISMP. Approved
	PHA-2012-0178 Walter J. Chiampa, Jr. PH23003	Motion Cayer/Pasedis to Dismiss with Advisory Letter and 2 CE's in medication error prevention. Approved
3	PHA-2012-0084 Rite-Aid 10137 DS3103	Motion DeVita/Cayer to Dismiss with Advisory Letter and Board comments regarding workflow, verification process and ensuring that all questions are answered by a pharmacist Approved
	PHA-2012-0183 Angelo Pappas PH16328	Motion Young/Walczyk to Dismiss with Advisory Letter and 6 live CE's in medication error prevention. Approved
	PHA-2012-0180 Christopher Turcotte PT9467	Motion Cayer/Young to notify licensee that Board will issue a Temporary Order of Summary Suspension if response to complaint not provided as requested. Approved

10:15 a.m. **Motion** Trifone/Young to enter Closed Session. **Approved**

10:55 a.m. **Motion** Pasedis/Budish to end Closed Session. **Approved**

6. 10:15 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints, Applications, Adjudicatory Session and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

In the Matters of:

Catherine T. Bryant (PT9348) Docket No. PHA-2012-0179 CVS/pharmacy)

Motion Ryle/Trifone for a Temporary Order of Summary Suspension if a voluntary surrender is not received.

Recused DeVita (not present in room for discussion or vote)

Approved

Stacy N. Miles (PT11737) Docket No. PHA-2012-0152 (CVS/pharmacy)

Motion Walczyk/Trifone for a Temporary Order of Summary Suspension if a voluntary surrender is not received.

Recused DeVita (not present in room for discussion or vote)

Approved

Nel Sothy (PT7638) Docket No. PHA-2012-0165 (CVS/pharmacy)

Motion Pasedis/Young for a Temporary Order of Summary Suspension if a voluntary surrender is not received.

Recused DeVita (not present in room for discussion or vote)

Approved

Bruce R. Kline, RPh (PH17604) Docket No. PHA-2012-0169

Review of August 16, 2012 Board vote to notify Registrant that **Surrender** of pharmacist registration, pursuant to terms of *Consent Agreement for Probation* (2/2/09), was effective immediately.

Motion Cayer/DeVita to advise Bruce Kline Board will not consider reinstatement of pharmacist license in any time in the future.

Approved

Stacy Lopez (PT9581) Docket No. PHA-2012-0104

Motion Walczyk/ Pasedis for a Temporary Order of Summary Suspension if a voluntary surrender is not received.

Recused DeVita (not present in room for discussion or vote)

Approved

7. 10:45 a.m. INVESTIGATIVE CONFERENCE

Matters of:

Westwood Lodge Pharmacy, 45 Clapboardtree Street, Westwood, MA

Docket No. SA-INV-2409

Than L. Phan (PH23338) Docket No. PHA-2012-0163

Complaint alleges that on or about January 26, 2011, Westwood Lodge Hospital Pharmacy, incorrectly dispensed sulfamethoxazole / trimethoprim (Bactrim®), a Sulfonamide, to a patient with a documented allergy to sulfa medications.

Present: Than L. Phan, RPh, Beth Leney (PH17667), current Director of Pharmacy, Janet Bobit, Esq., Westwood Lodge counsel, Len Pearlstein, RPh, prior Director of Pharmacy (PH16619), and Michael Lennon, Esq., Counsel for Mr. Pearlstein.

Investigator William E. Frisch, Jr., RPh presented the investigation report. Board members posed questions to the involved parties.

SA-INV-2409 Westwood Lodge PHA-2-12-0163 Than L. Phan PH23338	Board took this matter under advisement pending receipt of additional information regarding (1) policies and procedures and (2) name of the pharmacist who was on duty the morning of January 20, 2011 when the information on the newly patient was data entered into the pharmacy computer. Motion Young/Walczyk to Dismiss with Advisory Letter and 2 CEs in medication error prevention Approved
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11:55 a.m. Fabiszewski exits the meeting

8. 12:00 p.m. INVESTIGATIVE CONFERENCE

Matters of:

Stat-Care Pharmacy, 198 Worcester Street, North Grafton (DS89676)
Docket Nos. PHA-2011-0330 and PHA-2012-0011

Damaris Ramirez, (PT7864) Docket No. PHA-2012-0033

Helen E. Munroe (PH16924) Docket No. PHA-2012-0034

Complaint alleges that on or about October 31, 2011, Stat-Care Pharmacy incorrectly dispensed (blister pack) Lamictal 25 mg rather than Topramax 25 mg as prescribed to a resident of a group home.

Present: Damaris Ramirez, Pharmacy Technician, Helen E. Munroe, RPh, Douglas Shannon, RPh, Manager of Record (PH13764), Wendy Bea Walker Finch, Pharmacy Technician (PT11696), Stephen J. Rappa, RPh, Omnicare Regional Vice President and Bill Irvin, RPh, Omnicare NE Division Compliance Officer.

Investigator William E. Frisch, Jr., RPh, presented the investigative report. Board members posed questions to the involved parties.

PHA-2011-0330 Stat-Care DS89676	Board took this matter under advisement pending receipt of additional information regarding (1) work schedules and ratio compliance for the weeks 11/28/11 through 12/16/11 (2) system enhancements for alert notifications on albuterol and (3) policies and procedures related to expired medications.
PHA-2011-0033 Damaris Ramirez PT7864	Motion DeVita/Young to Dismiss with Advisory Letter with 2 CES in medication error prevention. Approved
PHA-2012-0034 Helen E. Munroe PH16924	Motion Cayer/Pasedis to Dismiss with Advisory Letter and 2 CEs in sound alike-look alike medications. Approved

- (a) Complaint alleges that on or about December 5, 2011, Stat-Care Pharmacy incorrectly dispensed Albuterol 0.63 % solution rather than Albuterol 0.083% solution for nebulization as prescribed to a resident of a group home.

Stat-Care Pharmacy, 198 Worcester Street, North Grafton (DS89676)
Docket Nos. PHA-2011-0011

Wendy Bea Walker Finch, (PT11696) Docket No. PHA-2012-0048

Helen E. Munroe (PH16924) Docket No. PHA-2012-0049

Present: Helen E. Munroe, RPh, Douglas Shannon, RPh, Manager of Record (PH13764), Wendy Bea Walker Finch, Pharmacy Technician (PT11696), Damaris Ramirez, Pharmacy Technician, Stephen J. Rappa, RPh, Omnicare Regional Vice President and Bill Irvin, RPh, Omnicare NE Division Compliance Officer.

Investigator William E. Frisch, Jr., RPh, presented the investigative report. Board members posed questions to the involved parties.

PHA-2011-0011 Stat-Care DS89676	Motion DeVita/Walczyk to continue discussion until the Board has reviewed work schedules and ratio compliance. Approved
PHA-2012-0048 Wendy Bea Walker Finch PT11696	Motion DeVita/Walczyk to Dismiss with Advisory letter and 2 CEs in medication error prevention. Approved
PHA-2012-0049 Helen E. Munroe PH16924	Motion Walczyk/DeVita to Dismiss with Advisory Letter with 2 CEs in medication error prevention. Approved

9. 12:35 p.m. DISCUSSION/UPDATE - Leo A. McKenna, PharmD, RPh, Quality Assurance Coordinator

Board reviewed Otic vs Optic Best Practice Recommendations/Flash Facts draft. Board members will submit comments by next week.

10. 12:50 p.m. LUNCH

11. 1:40 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
ST GEORGE PHARMACY
Proposed: 435 Furnace Street, Marshfield, MA

Present: Proposed Owner and Manager of Record Atef Ayoub, RPh (PH233456) and Amany Hanna, Secretary

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances.

Motion DeVita/Walczyk to approve application subject to review of blueprint on site and compliant inspection.
Approved

12. 2:00 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
CAREPRO PHARMACY
Proposed: 343 Newport Avenue, Quincy, MA

Present: Proposed Owner and Manager of Record Son Dinh, RPh

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances

Motion Walczyk/Young to approve application pending compliant inspection.
Recused Trifone not present in room for discussion or vote
Approved

FLEX DISCUSSION

A. NEW BUSINESS

APPLICATIONS – Approve/Deny

- 1) Robert Bruce Macrae – Pharmacy Technician
Motion Cayer/DeVita to approve application
In favor Trifone, Walczyk, Cayer and DeVita
Opposed Young, Pasedis
- 2) Dennis James Breault – Pharmacy Technician (Walgreens)
Motion Young/Cayer to approve application
Opposed DeVita
Approved
Recused Trifone (not present for discussion or vote)
- 3) Sheyla Torres – Pharmacy Technician (Ameridose)
Motion DeVita/Walczyk to approve application
Approved
Recused Pasedis (not present for discussion or vote)
- 4) Michael J. Tapley – Pharmacist Reciprocity (RiteAid)
Motion DeVita/Cayer to require MPRS assessment
All in favor.
Approved
- 5) Rushi R. Shah - Pharmacy Technician (CVS/pharmacy)
Application review postponed until applicant's pending legal matter is resolved.

OTHER

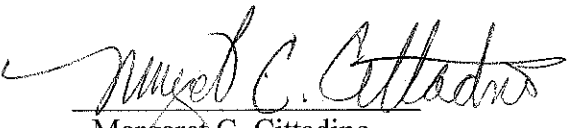
- 6) Keith N. LaRoche, R.Ph. (PH16881) Docket No. PHA-2011-0255
Petition for Termination of Suspension per Consent Agreement terms.
Motion Trifone/Pasedis to termination of suspension and convert to probation status.
All in favor.
Approved
- 7) DPH DCP PMP Medical Review Group (MRG) Candidate Nomination
Motion Trifone/Pasedis to support nominee David C. Morgan, RPh.
All in favor.
Approved

2:50 p.m. **Motion** Young/Pasedis to adjourn **Approved**

13. 3:00 p.m. ADJOURNMENT

Respectfully submitted by:

Board approved: 11/20/2012


Margaret C. Cittadino
Associate Executive Director

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
SEPTEMBER 11, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18-21 (Adjudicatory and Executive)

REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

10:15 a.m. **Motion** Trifone/Young to enter Closed Session.

Approved

Matters of:

- **Celeste Frappier**, RPh – Pharmacist Reciprocity Applicant (DENIED 6/5/12)
Review August 24, 2012 letter from Applicant

Board members reviewed and discussed August 24, 2012 letter from Applicant, Applicant's June 5, 2012 appearance and application file and documentation of Connecticut discipline. Board members stated continuing concerns as to fitness to practice independently in the Commonwealth. Applicant's references to the Connecticut agreement as entered into to resolve complaint regarding pharmacy operations to enable sale of pharmacy and representations to the Board during her June 5, 2012 appearance that Connecticut matters were result of an aggrieved employee did not persuade Board that the Applicant had current understanding or appreciation of the substantial and basic pharmacy operations that were the basis for the disciplinary action. Additionally, the Applicant did not demonstrate to the Board that she was prepared to assume and perform appropriate supervision of support personnel (technicians and others) in a pharmacy the Commonwealth. **Motion** Young/Walczyk to affirm prior vote to DENY application.

Recused DeVita (not present for discussion or vote)

Approved

- *Proposed Final Decision and Order on Summary Suspension*
Steven R. Petrillo, RPh (PH23960) Docket No. PHA-2011-0340

Board members reviewed *Proposed Final Decision and Order on Summary Suspension* on necessity of continuing summary suspension pending hearing on merits or other resolution of pending complaint; vote regarding *Final Decision and Order* to be issued.

Motion Ryle/Walczyk to continue suspension pending hearing on the merits or other resolution of the matter.

Approved

- **North Shore Pharmacy Services (DS3458) Multiple Docket Numbers – Agreement Update**

Dir. Coffey advised that **North Shore Pharmacy Services** had provided a “Certificate of Completion” certifying implementation of all ISMP recommendations, in accordance with Consent Agreement Par. 4.k./P.5. Board staff will update Board on follow-up to Agreement, Certification, ISMP report and current pharmacy operations.

- **Timothy J. Houle – Pharmacy Technician Applicant (DENIED 8/7/12)**
Review August 30, 2012 letter from Applicant (Richmond Pharmacy)

Board members reviewed August 30, 2012 letter from Applicant.

Motion Fabiszewski/Cayer to schedule appearance provided applicant provides reference letter from employer.

Approved

10:55 a.m. **Motion** Pasedis/Budish to end Closed Session.

Approved